

1 **BENZIE COUNTY PLANNING COMMISSION**
2 **September 10, 2009**
3 **MINUTES**
4

5 **MEMBERS PRESENT:** Katherine Ross, Karen Roberts, Kathy Ralston, Mary
6 Pitcher, Don Tanner, Anne Damm

7 **MEMBERS EXCUSED:** Mike Moorman

8 **STAFF PRESENT:** David Neiger, Planning Director and Chris Flynn, Recording
9 Secretary

10 **OTHERS PRESENT:** Marcia Stobie, Shauna Fite
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13 **I. Open the Meeting** Chairman Ralston opened the meeting at 7:02 p.m.
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15 **II. Approval of the Agenda** Ralston amends the agenda BY adding to Unfinished
16 Business A. Planning Commission Appointments and Training, B. Consultant Interviews
17 and C. Budget. **Motion** by Ross seconded by Roberts to approve the agenda as
18 amended. Ayes: All Excused: Moorman Nays: None **Motion Carried**
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20 **III. Approval of the Minutes of the June 11, 2009,** Flynn corrected the minutes
21 adding Karen Roberts as Present. Neiger comments that he needs to bring in copies of
22 the new Parks and Recreation Commission (Parks and Rec) Plan. Motion by Pitcher
23 seconded by Ralston to approve the Minutes as corrected. Ayes: All Excused:
24 Moorman Nays: None **Motion Carried.**
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26 **July 1, 2009 Meetings** Correct date to July 1, 2009. **Motion** by Ross
27 seconded by Roberts to approve the Minutes as corrected. Ayes: All Excused:
28 Moorman Nays: None **Motion Carried.**
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30 **IV. Public Input – Items on the Agenda** There is an MTA Meeting on Sept. 28,
31 2009 at 7:00 p.m., Colfax Township. Planning & Zoning will be on the agenda.
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33 **V. Reports**

34 A. **Zoning Ordinance Update Committee Report** - Set Public Hearing Date for Wind
35 Energy Article – Roberts reports the ordinance is finished. She reviews the changes that
36 were made at the last ZORC meeting. There is some discussion on building codes for
37 survival speed. It is unknown if the building code rules. There is some discussion that at
38 a certain point the turbine will stop working anyway. Roberts states she changed
39 General Provisions to General Requirements. She explains that for a Multi-Tower
40 Community WECS and Utility Grid WECS the setback is 3 times the height of the turbine
41 from the nearest occupied structure, but may be reduced by the Zoning Administrator or
42 Planning Commission. There is other discussion on setbacks. It was decided to add,
43 “Licensed in Michigan” to IV.B.10. She states it is ready to send to Figura. **Motion** by
44 Tanner seconded by Roberts to approve the noted corrections and forward to Dick
45 Figura for legal review. Roberts will update the web site (send to Dawn O. to replace).
46 Neiger hopes to have comments from Dick Figura by the 18th and hold the public hearing
47 on October 8, 2009. Ayes: All Excused: Moorman Nays: None **Motion**
48 **Carried.**
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B. Comprehensive Plan Update Committee (CPUC)-Neiger - None

C. Intergovernmental Cooperation – Ralston recommends a joint meeting with the Planning Commission and County Board. She states there are many options and variables and we should be able to get everybody together to work on this like we did on the planning commission ordinance.

D. Goals and Objectives None

Tanner comments on a presentation to the Board of Commissioners by John Amrhein, Michigan State University Extension (MSUE) on County Administration scheduled for September 14, 2009. Tanner explained what the presentation will be about and states they will come back on Oct 5, 2009 to present the conclusions. Both Tanner and Pitcher recommended getting Pete Garwood and Mr. Kaminisky to come and talk to the Board of Commissioners (BOC). Neiger states that even though Garwood is an Administrator/ Planner he still has a full time planner on staff that does the planning work. Tanner states that the Sept. 28, 2009 Michigan Township Association (MTA) meeting is important for everyone to attend that can and show support for planning and zoning. Tanner comments that he is comfortable turning zoning back to the townships if they are not going to fund it. He is also confident that as soon as the townships figure out how much it will cost to do their own they will recognize that paying the County to do it is the cheapest option. Tanner states we need to create a budget that is a Cadillac plan and talk to everyone about how much it will cost and figure out what share the county would pay and how much the townships would pay. We will have to get a clear proposal ready. Tanner states we can do intergovernmental contracts for zoning services. There is discussion on what happens if a township refuses to pay. They will have to contract with someone.

Chairman Ralston recessed the meeting from 7:51 p.m. – 7:56 p.m.

E. Parks and Recreation Commission Neiger passed a copy of new the plan to each Planning Commissioner. He described the pictures he took and stated that Steve Loveless donated photo on the cover page. He states there will need to be a public hearing to adopt as a while paper for the master plan. He states it is laid out fine for a white paper with goals, objectives and action strategies. **Motion** by Ross seconded by Roberts to accept the report and set public hearing date of Oct. 8, 2009 Ayes: All Excused: Moorman Nays: None **Motion Carried.** Neiger states he will do a letter of support from the Planning Commission to the Parks and Rec. **Motion** by Roberts seconded by Ross to direct Dave Neiger to draft a letter of support for the plan and the chair to sign. Aye: All Excused: Moorman Nays: None **Motion Carried.**

F. Zoning Board of Appeals – Neiger reports on case of stairway in Blaine Township down the bluff to Lower Herring Lake. He explained the easement and setback issues and the setback from a “water access lot”. He states the easement has language that allows riparian use as well. He described the stairway in detail. He states the Variance was approved as well as acknowledging it was an “access lot”. Neiger also reported that ZBA is working on bylaws.

1 **VI. Unfinished Business**

2 A. Planning Commission Appointments and Training

3 Ralston reports it seems like we either shut down or keep moving. She states letters
4 went to all townships and many groups and we are attempting to get 11 members. She
5 adds that Mary Pitcher has led the interview committee and we have had good
6 applicants.

7 Pitcher states the committee meets tomorrow, there are many strong candidates but
8 there are 2 important seats that still need to be filled, Environment and Recreation. She
9 reports that Ralston has indicated that she will stay on. She states they have done 7 or
10 so interviews. Ralston will let everyone know what the interview committee does.

11 Ralston reports that there is Citizen Planner classroom training in Leelanau County
12 starting on Sept. 28, 2009 and there is a discount if 10 or more go. Neiger says MMRA
13 might pay for part of cost.

14 Tanner comments that statutorily we have to do what the ordinance says and have to
15 continue enforcing the ordinance. Neiger states he went through both planning and
16 zoning budgets and there is about \$6,000 dollars left for this year. Neiger states it is \$75
17 per session if you do not want to do the whole thing. Neiger read the brochure. He
18 stated the sign up deadline is Sept 21, 2009 and he will register all new Planning
19 Commission members.

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21 B. Consultant Interviews Ralston reports on the interview committee
22 progress and states they will talk to 2 more applicants tomorrow. She states the scope of
23 work is not the same as it was before. Assuming we are going to be here, we will need
24 help with updating the Zoning Ordinance and redoing the rest of the white papers.

25 Consultants might be able to help with that while doing the ordinance. Neiger says it will
26 take about \$30,000 to do the ordinance. Neiger reports Williams and Works and Becket
27 & Raider have interviews tomorrow (Sept. 11, 2009) and one more on Sept 16, 2009.

28 Tanner, Roberts, Ralston, and Neiger will participate in the interviews. There is some
29 discussion on paying the Dr. Grobbel bill. Neiger asked him to send another bill so it can
30 be paid. Neiger has talked to all 3 explaining the need to get the ordinance completed
31 and finish the articles that are not done. He states the ZORC will be the major interface.

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33 C. Budget Tanner states we talked about it previously and
34 emphasizes that we need to create budget to talk about at the MTA meeting.

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36 **VII. New Business** None

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38 **VIII. Director's Report** Neiger reports zoning has been his primary focus, but he
39 has also been working on the Capital Improvements Plan. He reports that he worked on
40 the Parks & Rec plan and on the 2 or 3 lawsuits going on. He states one is "how our
41 ordinance is going to be attacked by Crystal Lake Property Rights Association". He
42 states there are problems with differences between Clerk's copy of the Ordinance and
43 the Planning Commission copy. He states they will probably attack the G district and
44 there might be an amendment to that section. Neiger reports that the other one is a
45 Parks and Rec. issue, where a property owner, Greg Cole, has sued the county for
46 access across Railroad Point to his property. Tanner says both cases are in mediation
47 right now and they are looking for common ground. Neiger reports they finalized the
48 Citizen Planner course in Leelanau County. If he thinks of anything else will let everyone
49 know by email.

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1 **IX. Correspondence** None

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4 **X. Presentations and Announcements**

5 Sept. 15, 2009 there is a MSUE personnel meeting,

6 Sept. 28, 2009 there is a MTA meeting.

7 Neiger suggests having Dawn Olney book the FIA room for Sept 15.

8 Ross announces Benzie Central Alternative Education is open out at the Ottawa and

9 Chippewa Indian Tribe land with 38 students and a waiting list.

10 Tanner reports on 2 Betsie River Natural River cases. He has also been participating in
11 a Recreation/Management Plan for the river. He states there are a couple large parcels
12 (in Manistee County) the state is trying to buy. Both are in townships with no zoning so it
13 is important that the river be protected.

14 Tanner states we should have some budget figures and Parks & Rec meets at 5 p.m. on
15 the 28th as well.

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17 **XI. Public Input – Items On or Off the Agenda, within the Planning
18 Commission’s Jurisdiction** None

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20 **XII. Adjourn** Chairman Ralston adjourned the meeting at 8:37 p.m. The next
21 meeting will be October 8, 2009 at 7:00 p.m.

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23 Respectfully Submitted:

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27 _____, Secretary

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31 Christi Flynn, Recording Secretary